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ABSTRACT

In 1963 the California State Legislature adopted Assembly Concurrent Resolution 48 which provided for the establishment of an academic senate or council at each junior college; its faculty-appointed members would represent the faculty in the formation of policy on academic and professional matters. As a formal channel whereby all local senates could make recommendations to the State Board of Governors, the Academic Senate for the California Community Colleges was founded. Title V of the Administrative Code for Education reiterates this purpose and function of the academic senate. Though Senate Bill 160 grants employee organizations domain in representing their members in employment relations, the close cooperation between senates and these organizations is essential to resolve overlap with the responsibilities and powers of the senate to make recommendations on academic and professional matters. Title V also provides for the inclusion of part-time faculty on senates, as well as outlining the mechanism for the senate to present written views and recommendations to the governing board and guaranteeing consideration and response. An appendix presents the sections of Title V of the Administrative Code which relate to academic senates. (MB)

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ASCCC

ACADEMIC SENATE FOR California Community Colleges

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The Role of

ACADEMIC SENATES

IN

California Community Colleges

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A Position Paper

1978

Legal and Historic Basis of Community College Academic Senates in California

In 1963 the California State Legislature adopted Assembly Concurrent Resolution ACR 48 which requested the State Board of Education "to provide for the establishment at each junior college of an academic senate or council wherein the faculty members shall be freely selected by their colleagues for the purpose of representing them in the formation of policy on academic and professional matters at such junior colleges."

By 1968 approximately 70 college academic senates had formed to represent their faculty's recommendations to the local boards of trustees. However, the State Board of Governors, BGCCC, was formed that year to consider and decide on many educational issues of statewide concern. Thus a need existed for a formal channel whereby all local senates could pool their views and make recommendations on state educational issues to the new board as well as to other state agencies, such as the education committees of the California Legislature and the statewide senates of UC and CSUC.

In the spring of 1968 a Constitutional Convention of local senates was formed in Oakland to draft a constitution for a statewide senate. The Faculty Association of the California Community Colleges (FACCC) and the California Community and Junior College Association (CCJCA) went on record to support the formation of a statewide senate, and a year later a majority of existing local senates (40) ratified the constitution. Thus the Academic Senate for the California Community Colleges, ASCCC, was founded.

Since then, 99 colleges in California have formed college senates, and 92 of those have formally affiliated themselves with the ASCCC. Also, five multi-college districts perceived the need to form district senates in order to expedite faculty recommendations to district administrations and boards of trustees.

This year, in the spring of 1978, the BGCCC acknowledged these historical developments by legalizing the district senates in Title V with the same rights, powers, and responsibilities they have local college senates earlier in 1968. In addition, the BGCCC formally recognized ASCCC as the statewide senate representing local academic senates "in order that the community college faculty of California may have a formal and effective procedure for participating in the formation of state policies on academic and professional matters." (see appendix 53206 for full text)

Thus it is the responsibility of ASCCC to inform local senates as well as to coordinate and represent their views on statewide educational issues such as academic standards, accreditation, articulation, basic skills, credentialing, curriculum, community involvement, grading policies, professional growth, student services, and the like.

The Purpose and Function of Academic Senates

Title V of the Administrative Code for Education, Chapter 1, subchapter 8, 53200-53205 (see appendix) spells out the meaning of powers, rights and responsibilities of academic senates in California community colleges. This subchapter delineates both the *purpose* and *function* of academic senates.

The *purpose* of the academic senate is, according to 53201, "that the faculty may have a formal and effective procedure for participating in the formation of district policies on academic and professional matters..." Also according to 53200b, an academic senate is an organization whose *primary function* is "as the representative of the faculty, to make recommendations to the administration of a college and to the governing board of a district with respect to academic and professional matters."

It is the view of the ASCCC that the purpose and functions of an academic senate differ considerably from those of an employee organization, both in viewpoint and

substance (or scope) as described below. However these roles complement each other, and in fact close bonds of cooperation should exist between senates and employee organizations.

Employee Organizations and the Exclusive Representative

According to SB160 employee organizations represent their members in *employment relations* until (and if) a specific organization is certified as the exclusive representative. "The scope of negotiation shall be limited to matters relating to wages, hours of employment, and other terms and conditions of employment." "Terms and conditions of employment" are then defined in the law so that the scope of representation is narrow. However, *consulting* rights are granted to the exclusive representative on definition of educational objectives and curricular matters. It is in this area that close cooperation between senates and employee organizations is essential to resolve overlap with the responsibilities and powers of the senate to make recommendations on academic and professional matters. (See appendix 53203, 53204.) The scope of senates historically has been broad in California covering all academic and professional matters. In addition, SB 160 quoted in the appendix does not intend to restrict, limit or prohibit the full exercise of the functions of an academic senate unless it conflicts with existing collective agreements.

We feel that the responsibility of the academic senate is quite clear. To the extent that the matter under consideration is one of wages, hours, or the general personal benefit of employees, it is clearly in the province of the employee organization. To the extent that a matter (possibly the same matter) may involve the furthering of educational goals, even to the detriment of personal benefit of faculty, the matter is in the province of the academic senates. Failure to draw this distinction and to implement the

responsibility inherent in it could justifiably result in a loss of credibility in the role of the senate, and even in the demise of the senate itself as a viable body to carry out the intent of the legislative mandate given it.

It is clear that the question of *viewpoint* is crucial. The position of the senate is, in no way, to derogate from the rights and privileges of employee organizations in furthering the well-being of their members. But, on the other hand, the academic senate must in no way abrogate its own rights and privileges in the *furthering of education itself*. Are the two points necessarily in conflict? No! May they be in conflict? Yes. How are such conflicts resolved? Certainly not by either party abrogating its own responsibilities. Such conflicts may be resolved by law or the PERB (Public Employment Relations Board), but usually each organization takes its rightful stand on the issue and *works cooperatively* with the other to resolve the conflict.

Can Part-time Faculty Belong to Academic Senates?

Many academic senates over the years provided for membership of their part-time colleagues, but last year the Attorney General ruled that Title V excluded such membership. Both ASCCC and FACCC successfully petitioned the BGCCC to rewrite Title V to overcome the Attorney General's ruling and to explicitly allow for part-time membership on senates. The new sections 53202d and e (see appendix) now allow for such membership, and in the absence of full-time faculty at a college, the part-time faculty may form an academic senate. The ASCCC strongly encourages local senates to restructure and provide for representation of part-time faculty.

The Role of the Academic Senates

The role of the academic senate is to participate effectively in the *formation* of college, district, or state poli-

cy. The faculty does not encroach on administrative powers for they are concerned with *carrying out* or executing *existing* board policy, while the senate makes recommendations on changing or *establishing* new policy. Title V in the use of the phrase "to make recommendations" also clearly precludes the academic senate from encroaching on the powers and obligations of the board of trustees. However, this same phrase grants to the academic senate a *unique* charge and responsibility upon which the success or failure of board policy or administrative procedure is dependent if such policy and procedure is *to fulfill the public trust*. For in no way can a board of trustees or an adminstrator adequately, honestly, and responsibly discharge their public trust unless their decisions are validly based. This cannot occur without input from faculty who, from a unique viewpoint, closely associate with those for whom the entire system of education was designed—the student.

Primary concerns of boards of trustees and administrators, such as implementation of legislation, tax rates, A.D.A., federal funding, grants, and other budgetary matters, along with building plans, curricular content, are not validly based unless boards of trustees and administration elicit and welcome faculty participation. Therefore, the ASCCC feels that making recommendations furthering educational goals is of the utmost importance. The crucial importance of the legislative mandate cannot be sidestepped with cries of "we are not listened to". There is no necessity to identify "being heard" with "being agreed with". Title V guarantees only that we *must* be heard. And while there may be administrators or boards of trustees who may seem to ignore Title V in bad faith, such behavior is no excuse for our not living up to our responsibilities in law.

Who Must Listen and To What?

According to Title V 53203-04, the academic senate, *after consultation* with the administration of its commun-

ity college, "may present its *written* views and recommendations to the governing board. The governing board *shall consider and respond* to such recommendations". There are no restrictions as to subject matter except that it be in the realm of academic and professional matters and that it not be already a part of an existing collective agreement. (See 3540). "Profession" is ambiguous. Our view, however, is this: From their inception, the community colleges have been part of the Public School System and thus, faculty have had a dual role: (1) traditional collegiate participation in governance and (2) the role of employee. We feel that the professionalism referred to here is that of the professional as *educator*, not of the professional as employee. Secondly, "Upon request of the Academic Senate ... the governing board or such board members or administrative officers as it may designate shall meet and confer with representatives of the Academic Senate ... with respect to recommendations made or proposed to be made by the senate ..." Thirdly, such designation of a board representative "shall not preclude the representatives of an academic senate ... from meeting with or appearing before the governing board with respect to the views, recommendations, or proposals of the senate ... at a regular or special meeting of the board". There are no restrictions here limiting subject matter nor must the subject matter conform to the board's printed agenda. An orderly procedure would indicate that the board would have as part of the regular agenda an item related to "comments from the Academic Senate."

Extraordinary Duties

In Title V 53205, duties may be requested of the academic senate by administration or the governing board and the academic senates may assume such responsibilities and perform such functions. A final question remains. How does the academic senate maintain its role if requested to assume responsibilities or perform functions it feels are

alien to its role? If the academic senate is requested to perform a function which, in the judgement of the senate, is dubiously related to "making recommendations with respect to academic and professional matters," the academic senate can either refuse to accept the request; or as a viable alternative, the senate can designate a Select Committee to discharge the function requested by the administration or the governing board. If the latter method were chosen, the senate would then refuse to entertain any motion or discussion regarding the work of such a select committee except in the area of whether or not the select committee was carrying out the explicit charge given to it. Such a select committee after formation would be entirely responsible to those requesting the service with respect to its decisions.

Summary

Academic senates as representatives of faculty give faculty a voice in the formation of district policy by recommending to administration and the governing body. They must be listened to and responded to and may present their views, proposals, and recommendations either in writing or by meet and confer sessions or by appearing at board meetings.

Finally, the academic senate must carry out the mandate of Title V to *recommend* what is seen as *best for education* and allow employee organizations to care for what they see is best for the employee. Cooperation between academic senates and an exclusive representative is essential to help resolve conflicts on overlapping scope of representation.

APPENDIX

I. Title V of the Administration Code
Subchapter 2—ACADEMIC SENATES

53200. *Definitions.* For the purpose of this subchapter:

(a) "Faculty" means those certificated persons who teach full-time in a community college or other full-time certificated persons who do not perform any services for the college that require an administrative or supervisory credential.

(b) "Academic senate" and "faculty council" means an organization formed in accordance with the provisions of this subchapter whose primary function is, as the representative of the faculty, to make recommendations to the administration of a college and to the governing board of a district with respect to academic and professional matters.

Note: Authority cited for Chap. 1, Subchap. 2: Sections 193, 197, and 22650 Education Code.

53201. *Academic Senate or Faculty Council.*

In order that the faculty may have formal and effective procedure for participating in the formation of district policies on academic and professional matters, an academic senate or faculty council may be established at the college and/or district level.

53202. *Formation; Procedures; Membership.*

The following procedure shall be used to establish an academic senate or faculty council:

(a) The faculty of a community college shall vote by secret ballot to form an academic senate or faculty council.

(b) In multi-college districts, the faculty of the district colleges may vote whether or not to form a district academic senate. Such vote shall be by secret ballot.

(c) The governing board of the district shall recognize the academic senate or faculty council and authorize the faculty to:

(1) Fix and amend by vote of the faculty the composition, structure, and procedures of the academic senate or faculty council.

(2) Provide for the selection, in accordance with accepted democratic election procedures, of the members of the academic senate or faculty council.

(d) The faculty may provide for the membership of part-time faculty members in the academic senate or faculty council.

(e) In the absence of any full-time faculty members in a community college, the part-time faculty of such community college may form an academic senate or faculty council with the same functions as stated in 53200(b) and 53201.

53203. *Powers.*

After consultation with the administration of its community college, the academic senate or faculty council may present its written views and recommendations to the governing board. The governing board shall consider and respond to such views and recommendations.

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53204. *"Meet and Confer."*

Upon the request of the academic senate or faculty council and subject to Chapter 9 (commencing with Section 54950) of Part 1, Division 2, Title 5 of the Government Code relating to public meetings when applicable, the governing board or such board members or administrative officers as it may designate shall meet and confer with representatives of the academic senate or faculty council with respect to recommendations made or proposed to be made by the senate or faculty council. The designation of board member or administrative officers as provided herein shall not preclude the representatives of an academic or a faculty council from meeting with, or appearing before, the governing board with respect to the views, recommendations, or proposals of the senate or council at a regular or special meeting of the board.

53205. *Duties Assigned by Administration and Governing Board.*

An academic senate or faculty council may assume such responsibilities and perform such functions as may be required of it by the administration of its community college or the governing board of the district maintaining its community college.

53206 *Academic Senate for California Community Colleges.*

(a) In order that the community college faculty of California may have a formal and effective procedure for participating in the formation of state policies on academic and professional matters, an Academic Senate for the California Community Colleges has been established through ratification by local academic senates or faculty councils.

(b) The Board of Governors recognizes the Academic

Senate of the California Community Colleges as the representative of Community College academic senates or faculty councils before the Board of Governors and the Chancellor's Office.

II. 3540: *Government Code.* Title 1. (SB 160)

It is the further intention of the Legislature that nothing contained in this chapter shall be construed to restrict, limit, or prohibit the full exercise of the functions of any academic senate or faculty council established by a school district in a community college to represent the faculty in making recommendations to the administration and governing board of such school district with respect to district policies or academic and professional matters, so long as the exercise of such functions does not conflict with lawful collective agreements.

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